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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Dent et al.

Serial No.: 09/915,895

Filed: July 26, 2001

For: **COMMUNICATIONS SYSTEM
EMPLOYING NON-POLLUTING PILOT
CODES**

Attorney's Docket No: 4015-981

Patent Pending

Group Art Unit: 2686

Confirmation No.: 7299

Raleigh, North Carolina
March 15, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF AFTER-FINAL TELEPHONE INTERVIEW

Sir:

The undersigned attorney participated in a telephone interview with Examiner Daniel and Supervisory Primary Examiner Banks-Harold on 11 March 2005, regarding the final rejection of claims 1-9 and 21-29 in the above-identified patent application. Other than for dependent claims 6 and 9, Examiner Daniel's final rejection arguments state that U.S. Pat. No. 6,067,324 to Harrison anticipates Applicant's claimed invention, and the telephone interview focused on Applicant's long-standing assertion that Examiner Daniel commits plain error in his analysis of Harrison.

In particular, the undersigned attorney called attention to the fact that the passages in Harrison specifically cited by Examiner Daniel in support of his final rejection

arguments plainly do not say what he asserts. As an example, Examiner Daniel asserts that Harrison teaches the transmission of a synthesized pilot to a subscriber unit (e.g., a mobile station), but the section(s) of Harrison cited by the examiner state that the synthesized pilot is created at the subscriber unit as a composite of the channel estimates made by it for the individual ("element") pilot signals it receives.

The undersigned attorney advanced the proposition that Harrison saying the synthesized pilot was created at the subscriber unit was another way of saying that the synthesized pilot was not transmitted to it. SPE Banks-Harold, however, seemed to adopt the stance that Examiner Daniel's rejection assertions regarding the transmission of a synthesized pilot were not rebutted unless Harrison included explicit language stating that its synthesized pilot was not transmitted.

Beyond making that point, Examiner Daniel and SPE Banks-Harold would not discuss the language in his rejection, nor would they help the undersigned attorney identify any passage of Harrison that supported the assertions made by Examiner Daniel in his final rejection. Indeed, SPE Banks-Harold refused to discuss any technical aspect of Examiner Daniel's rejection analysis of Harrison. Rather, SPE Banks-Harold asked the undersigned agent to catalog the passages in Harrison that directly refuted Examiner Daniel's characterizations of Harrison.

The exchange between the undersigned attorney and SPE Banks-Harold was unproductive, at least in part because Examiner Daniel and SPE Banks-Harold were unprepared or unwilling to discuss the validity of his analysis of Harrison. SPE Banks-Harold terminated the interview, stating that prosecution had not been advanced, and

advising the undersigned attorney that he knew what "options" were available to Applicant.

Respectfully submitted,

Coats & Bennett, P.L.L.C.

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CERTIFICATE OF MAILING

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